

IN THE UNITED STATES DISTRICT COURT FOR THE
MIDDLE DISTRICT OF ALABAMA
EASTERN DIVISION

PATRICIA J. GIBSON

Plaintiff,

v.

WESTPOINT STEVENS, INC.

et al.,

Defendants.

2007 MAY 14 A 10:16

DEBRA P. HACKETT, CLK
U.S. DISTRICT COURT
MIDDLE DISTRICT OF ALABAMA

CIVIL ACTION NO.: 03-06cv974-MEF-TFM

**PLAINTIFF'S OBJECTION TO DEFENDANTS' MOTION
FOR ATTORNEY'S FEES AND EXPENSES**

The Plaintiff, by and through her attorney of record, respectfully submits this Objection to Defendants' Motion for Attorney's Fees and Expenses (**Doc #24**). The Plaintiff contends that said Motion is due to be denied. As grounds, the Plaintiff offers the following for the Court's consideration:

1. The Plaintiff respectfully submits the attached Exhibits in support of her Objection to the Defendants' motion;
2. The Plaintiff contends that her delay in responding and/or failure to respond to the Defendants' discovery requests prior to being instructed to do so by this Court occurred as a result of several extenuating circumstances which have been addressed in her previous Motion to Alter, Amend or Vacate (**Doc #22**) and which are addressed in the attached Exhibits;
3. The Plaintiff further contends that the said circumstances substantially justify the delay and/or failure, and that the award of attorney's fees and expenses to the Defendants' attorneys would be unjust;
4. Further, the Plaintiff contends that the award would be unjust in that when the totality of the circumstances is considered, including and particularly, the stage of the proceedings, the

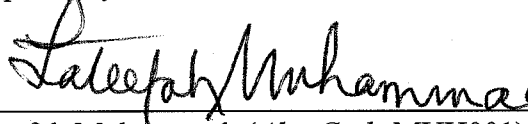
degree of harm caused to the Defendants toward the merits of the cause, and the special circumstances of the Plaintiff and her attorney, the Court would be just in its decision to deny the Defendants' motion;

5. The Defendants have filed in their request a statement of account for professional services that includes attorney's fees that are being billed for other than services rendered in the matter presently before this Court; and,

6. The Defendants have requested a fee that is unreasonable and exceeds the local market rate as well as the Equal Access to Justice Act¹ amount.

WHEREFORE, PREMISES CONSIDERED, the Plaintiff prays that this Honorable Court will deny the Defendants' Motion for Attorney's Fees and Expenses.

Respectfully submitted,

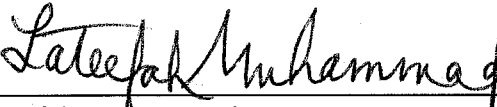

Lateefah Muhammad (Ala. Code MUH001)
ATTORNEY FOR PLAINTIFF

Lateefah Muhammad, Attorney At Law, P.C.
Post Office Box 1096
Tuskegee, Alabama 36087
(334) 727-1997 telephone and facsimile
lateefahmuhammad@aol.com

¹ 28 U.S.C. 2412 (d)(1)(A) states, in part, (ii) attorney fees shall not be awarded in excess of \$125 per hour unless the court determines that an increase in the cost of living or a special factor, such as the limited availability of qualified attorneys for the proceedings involved, justifies a higher fee.

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Plaintiff's Objection to Defendants' Motion for Attorney's Fees and Expenses to James C. Pennington, Esquire and Fred Suggs, Jr., Esquire, attorneys for Defendants, by sending it to OGLETREE DEAKINS, P.C., 300 North Main Street, Post Office Box 2757, Greenville, South Carolina 29602, in the United States Mail, postage prepaid, and in open court, on this 14th day of May, 2007.



Lateefah Muhammad

EXHIBIT A

**IN THE UNITED STATES DISTRICT COURT FOR THE
MIDDLE DISTRICT OF ALABAMA
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PATRICIA J. GIBSON

Plaintiff,

V.

WESTPOINT STEVENS, INC.

et al.,

Defendants.

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CIVIL ACTION NO.: 03-06cv974-MEF-TFM

AFFIDAVIT OF LATEEFAH MUHAMMAD

The Affiant, being first duly sworn, says and affirms the following:

1. That her name is Lateefah Muhammad, Attorney At Law. She is over 19 years of age and a resident of the State of Alabama. That she practices law in the United States Middle District of Alabama and has done so since 1992. And, that she is representing the Plaintiff in the above cause;

2. That she has submitted to this Court a Motion to Alter, Amend or Vacate Order in which she has identified certain extenuating circumstances which caused the delay and/or failure in responding to the Defendants' discovery requests. That said circumstances have been stated under the said Motion and are true and accurate to the best of her knowledge. And, that she adopts the statements made regarding her personal extenuating circumstances as true and accurate;

3. That she does not have the resources to pay the attorney's fee and expenses of the attorneys for the Defendants;

4. That she has never failed to disclose discovery in any case before; and,

5. That she believes the amount of attorney's fees and expenses claimed by the Defendants is unreasonable, excessive and not in accord with the local market rate in the Middle

District of Alabama.

Lateefah Muhammad
Lateefah Muhammad, Affiant

STATE OF ALABAMA)
)
MACON COUNTY)

Before me, a Notary Public in and for said County and State, personally appeared Lateefah Muhammad, who, being first duly sworn, deposes and says that she has read the foregoing Affidavit, that the facts herein are true and correct to the best of her knowledge and ability.

SWORN TO AND SUBSCRIBED BEFORE ME this 14th day of May, 2007.

Mary H. Perry
Notary Public

My Commission expires: 2/17/09

SEAL

EXHIBIT B

**IN THE UNITED STATES DISTRICT COURT FOR THE
MIDDLE DISTRICT OF ALABAMA
EASTERN DIVISION**

PATRICIA J. GIBSON

Plaintiff,

V.

WESTPOINT STEVENS, INC.

et al.,

Defendants.

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CIVIL ACTION NO.: 03-06cv974-MEF-TFM

AFFIDAVIT OF PATRICIA J. GIBSON

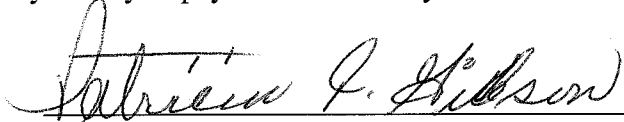
The Affiant, being first duly sworn, says and affirms the following:

1. That her name is Patricia J. Gibson. That she is over 19 years of age and a resident of the State of Alabama. That she is the Plaintiff in the above case, and that this is the first time she has ever sue someone;

2. That on or about the 16th day of February, 2007, she had to move out of her home at 403 Fairwood Drive, Valley, Alabama 36854, as a result of a foreclosure by the mortgage company that held a mortgage on her home. That as a result of the foreclosure and the move, she had to place most of her possessions into storage as she did not have another residence to move into, and that she still not have another residence. That she is temporarily residing with a relative until she can secure another home. That her present income of \$9.52 per hour with the Troup County Board of Education in Georgia does not provide sufficient income for her family to secure another home. That there are three members of her household, including her husband, who is unemployed and a candidate for disability, and a 14-year-old stepson. That her husband has no income or any means of presently earning an income. That her cousin with whom they are staying, is a widow, lives on a fixed income and has three grandchildren and a niece who also live with her;

3. That she (the Plaintiff) has not been able to easily retrieve items from the storage facility in which her personal effects are located since her relocation. That she has supplied her lawyer, Attorney Lateefah Muhammad, who represents her in this lawsuit, with as much paperwork as she has been able to obtain to this point. That she has informed Attorney Muhammad that some of her papers were lost, misplaced and/or destroyed during her move out of her home; and,

3. That she does not have any money to pay WestPoint lawyers.



Patricia J. Gibson, Affiant

STATE OF ALABAMA)
)
MACON COUNTY)

Before me, a Notary Public in and for said County and State, personally appeared Patricia J. Gibson, who, being first duly sworn, deposes and says that she has read the foregoing Affidavit, that the facts herein are true and correct to the best of her knowledge and ability.

SWORN TO AND SUBSCRIBED BEFORE ME this 14th day of May, 2007.



Notary Public

My Commission expires: 12/03/08

SEAL

EXHIBIT C

STATE OF ALABAMA)

MACON COUNTY)

AFFIDAVIT OF TRACIE H. JACKSON

The Affiant, being first duly sworn, says and affirms the following:

1. My name is Tracie H. Jackson. I am over 19 years of age and a resident of the State of Alabama;
2. I was employed by Attorney Lateefah Muhammad as her legal assistant. I have not worked with her at all this year because I had to leave her employment due to medical reasons. She has not hired a permanent person since I left; and,
3. During the time I worked with Attorney Muhammad, we never failed to meet our discovery deadlines.


Tracie H. Jackson, Affiant

STATE OF ALABAMA)

MACON COUNTY)

Before me, a Notary Public in and for said County and State, personally appeared Tracie H. Jackson, who, being first duly sworn, deposes and says that she has read the foregoing Affidavit, that the facts herein are true and correct to the best of her knowledge and ability.

SWORN TO AND SUBSCRIBED BEFORE ME this 14 day of May, 2007.


Notary Public

My Commission expires:

My Commission Expires 07-02-08

SEAL



EXHIBIT D

STATE OF ALABAMA)

MACON COUNTY)

AFFIDAVIT OF VERONICA D. HARRIS

The Affiant, being first duly sworn, says and affirms the following:

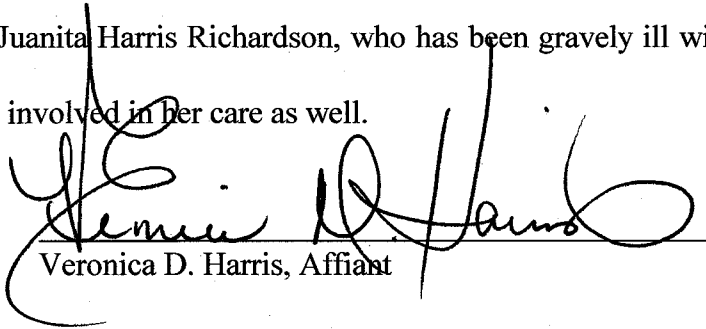
1. My name is Veronica D. Harris. I am over 19 years of age and a resident of the State of Alabama;

2. I am employed by the State of Alabama Unified Judicial System in the Macon County Circuit Clerk's Office in Tuskegee, Alabama as Chief Deputy Clerk of the Civil Division. I have been so employed for over 25 years.

3. I know Attorney Lateefah Muhammad, who has a law office in Tuskegee. She is known to be a hard-working and thorough attorney. She practices in both our civil and criminal courts in Macon County. She has never been before our courts for sanctions for any reason on any of her cases.

4. I also know Attorney Muhammad as a relative. Her mother, the late Lillie Harris Mabson, and my father, Robert Harris, Sr. were siblings. On March 13, 2007, my father suffered a heart attack and a stroke and was hospitalized in the East Alabama Medical Center in Opelika. Lateefah assisted our family in every way she could, taking time off from her work to do so. I am grateful for her support because I am the only daughter of three siblings and my oldest brother lives in Alaska. Our mother, Gwendolyn Mason Harris, passed several years ago. Without the help of close family members and friends, I don't know what I would do. After a stay in a rehabilitation facility and a couple days at home, my father is back in the hospital;

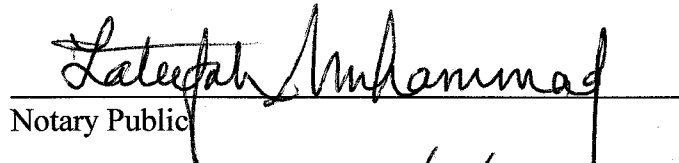
5. We also have an aunt, Juanita Harris Richardson, who has been gravely ill with heart trouble. I know Lateefah has been involved in her care as well.


Veronica D. Harris, Affiant

STATE OF ALABAMA)
)
MACON COUNTY)

Before me, a Notary Public in and for said County and State, personally appeared Veronica D. Harris, who, being first duly sworn, deposes and says that she has read the foregoing Affidavit, that the facts herein are true and correct to the best of her knowledge and ability.

SWORN TO AND SUBSCRIBED BEFORE ME this 14th day of May, 2007.


Notary Public

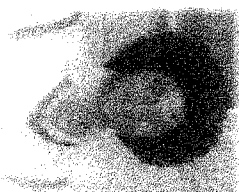
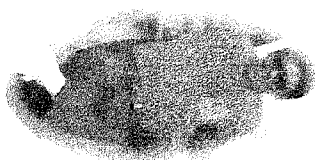
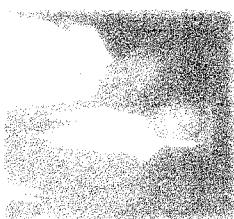
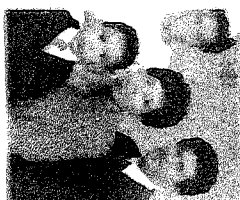
My Commission expires: 12/03/08

SEAL

EXHIBIT E



Carl G. Williams
December 31, 1949 - January 26, 2007



Honorary Pallbearers

Brothers-in-law
KAP Fraternity Brothers
Close Friends

Acknowledgements

*Perhaps you called or smiled,
Or whispered a sincere prayer,
Perhaps you sent flowers or a memorial,
Or a token of love and care.*

*Perhaps you spoke the kindest words,
That only a dear friend can say,
Perhaps you were not there at all,
Just thought of us that day.*

*Whatever you did to console our hearts,
We thank you so very much-whether the part
"May God Bless You,"
The Family.*

Funeral Services Entrusted To:
Carter Funeral Home
302 Carter Street
Union Springs, AL
334-738-3020

*It's ever mindful of the confidence you have placed in us and
We sincerely hope that our services were a source of comfort
to your family during this period of transition.*

In Loving Memory

*Celebrating
The Life Of*



1949-2007

Carl G. Williams

**Saturday, February 3, 2007
11:00 a.m.**

*Greater St. Mark Baptist Church
Tuskegee, AL*

Rev. Dr. C. P. Noble, Pastor

Officiating:

Rev. William Leonard

Interment:

**St. Paul Baptist Church Cemetery
Armstrong Community**